



Image

Received

OCT 08 2003

## TRANSMITTAL FORM

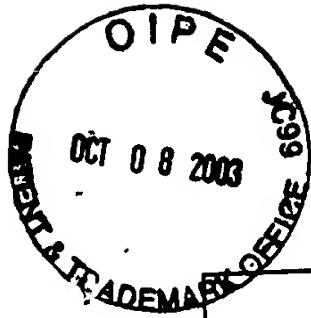
(to be used for all correspondence after initial filing)

Complete if Known	
Application Number	09/684,383
Filing Date	10 October 2000
First Named Inventor	Gertrud HOETTEN
Examiner Name	P.M. Mertz
Group Art Unit	1646
Total Number of Pages in This Submission - 13	Attorney Docket Number 2923-120

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Substitute Declaration and Power of Attorney (with covering transmittal letter)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Request for Corrected Official Filing Receipt (with attached documentation)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SUBMITTED BY		Complete (if applicable)		
NAME AND REG. NUMBER	Jeffrey L. Ihnen, Reg. No. 28,957			
SIGNATURE		DATE	08 OCTOBER 2003	DEPOSIT ACCT USER ID 02-2135



IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE

Application No.	09/684,383
Filing Date	10 October 2000
First Named Inventor	Gertrud HOETTEN
Group Art Unit	1646
Examiner Name	P.M. Mertz
Attorney Docket No.	2923-120

Title of the Invention: MP121, A GROWTH/DIFFERENTIATION FACTOR OF THE  
TGF- $\beta$  FAMILY (as amended)

**SUBMISSION OF SUBSTITUTE DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Concurrently with the *Request for Corrected Official Filing Receipt* submitted herewith,  
Applicants submit an executed Substitute Declaration for the above application.

This Substitute Declaration is filed further to Applicants' remarks in the *Amendment After  
Final* filed on 19 July 2003 (a copy of which was recently sent by facsimile to Examiner Mertz on  
26 September 2003).

RESPECTFULLY SUBMITTED,					
Name and Reg. Number	Jeffrey L. Ihnen, Registration No. 28,957				
Signature			Date	08 October 2003	
Address	Rothwell, Figg, Ernst & Manbeck 1425 K Street, N.W., Suite 800				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031



**SUBSTITUTE DECLARATION  
UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

Declaration Submitted after Initial Filing

Attorney Docket No.	2923-120
First Named Inventor	Gertrud HOETTEN
COMPLETE IF KNOWN	
Application Number	09/684383
Filing Date	10 October 2000
Group Art Unit	1646
Examiner Name	P.M. Mertz

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MP121, A GROWTH DIFFERENTIATION FACTOR OF THE TGF- $\beta$  FAMILY (as amended), the specification of which was filed on 10 October 2000 as United States Application Number 09/684,383.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
92 102 324.8	Europe	02/12/1992	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P 44 23 190.3	Germany	07/01/1994	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
195 11 243.1	Germany	03/27/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
195 25 416.3	Germany	07/12/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PCT/EP96/03065	PCT	07/12/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

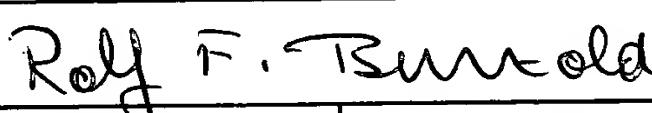
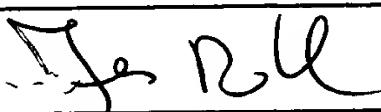
I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) or 365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Prior Application Number(s)	Filing Date (MM/DD/YYYY)	Status
PCT/EP93/00350	02/12/1993	pending
08/482,577	06/07/1995	patented
08/679,048	07/12/1996	abandoned
09/218,176	12/22/1998	patented

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Gertrud		Family Name	HÖTTEN	
Inventor's Signature			Date	Sept. 24, 2003	
Residence: City	44625 Herne	Country	Germany	Citizenship	Germany
Mailing Address	Hölkeskampring 96				
City	44625 Herne	Country	Germany		
<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Helge		Family Name	NEIDHARDT	
Inventor's Signature			Date	Sept. 20, 2003	
Residence: City	35041 Marburg	Country	Germany	Citizenship	Germany
Mailing Address	Holderstraße 3				
City	35041 Marburg	Country	Germany		
<b>NAME OF THIRD INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Rolf		Family Name	BECHTOLD	
Inventor's Signature			Date	Sept. 16, 2003	
Residence: City	D-69126 Heidelberg	Country	Germany	Citizenship	Germany
Mailing Address	Carl-Zuckmayer-Straße 21				
City	D-69126 Heidelberg	Country	Germany		
<b>NAME OF FOURTH INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Jens		Family Name	POHL	
Inventor's Signature			Date	Sept. 16, 2003	
Residence: City	D-76707 Hambrücken	Country	Germany	Citizenship	Germany
Mailing Address	Bastwaldstr. 25				
City	D-76707 Hambrücken	Country	Germany		
<b>NAME OF FIFTH INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			

Given Name	Michael	Family Name	PAULISTA
Inventor's Signature			
Residence: City	D-69181 Leimen	Country	Germany
Mailing Address Panoramastr. 31			
City	D-69181 Leimen	Country	Germany



**SUBSTITUTE DECLARATION  
UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

Declaration Submitted after Initial Filing

Attorney Docket No.	2923-120
First Named Inventor	Gertrud HOETTEN
COMPLETE IF KNOWN	
Application Number	09/684383
Filing Date	10 October 2000
Group Art Unit	1646
Examiner Name	P.M. Mertz

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MP121, A GROWTH DIFFERENTIATION FACTOR OF THE TGF- $\beta$  FAMILY (as amended), the specification of which was filed on 10 October 2000 as United States Application Number 09/684,383.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
92 102 324.8	Europe	02/12/1992	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P 44 23 190.3	Germany	07/01/1994	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
195 11 243.1	Germany	03/27/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
195 25 416.3	Germany	07/12/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PCT/EP96/03065	PCT	07/12/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) or 365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Prior Application Number(s)	Filing Date (MM/DD/YYYY)	Status
PCT/EP93/00350	02/12/1993	pending
08/482,577	06/07/1995	patented
08/679,048	07/12/1996	abandoned
09/218,176	12/22/1998	patented

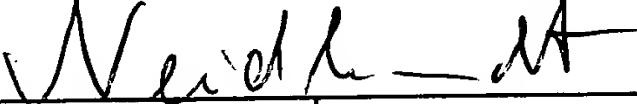
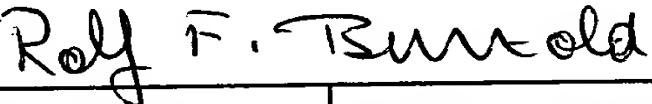
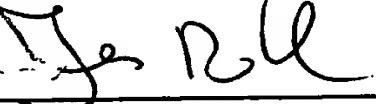
**COPY**  
*Substitute Declaration*

Declaration and Power of Attorney  
Page 1

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

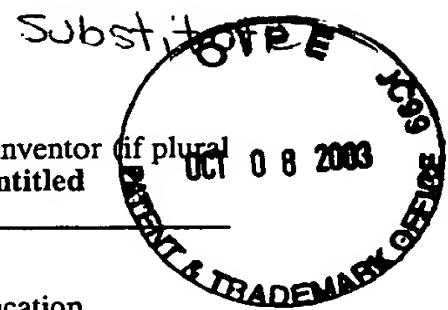
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Gertrud				
Inventor's Signature					
Residence: City	44625 Herne	Country	Germany	Citizenship	Germany
Mailing Address Hölkeskampring 96					
City	44625 Herne	Country	Germany		
<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Helge				
Inventor's Signature					
Residence: City	35041 Marburg	Country	Germany	Citizenship	Germany
Mailing Address Holderstrauch 3					
City	35041 Marburg	Country	Germany		
<b>NAME OF THIRD INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Rolf				
Inventor's Signature					
Residence: City	D-69126 Heidelberg	Country	Germany	Citizenship	Germany
Mailing Address Carl-Zuckmayer-Straße 21					
City	D-69126 Heidelberg	Country	Germany		
<b>NAME OF FOURTH INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Jens				
Inventor's Signature					
Residence: City	D-76707 Hambrücken	Country	Germany	Citizenship	Germany
Mailing Address Bastwaldstr. 25					
City	D-76707 Hambrücken	Country	Germany		
<b>NAME OF FIFTH INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor			

Given Name	Michael	Family Name	PAULISTA
Inventor's Signature			
Residence: City	D-69181 Leimen	Country	Germany
Mailing Address Panoramastr. 31			
City	D-69181 Leimen	Country	Germany

## Declaration For U.S. Patent Application



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(Insert Title) NEW GROWTH/DIFFERENTIATION FACTOR OF TGF-β FAMILY

the specification of which is attached hereto unless the following box is checked:

was filed on \_\_\_\_\_ as PCT International Application  
Number \_\_\_\_\_ and was amended on \_\_\_\_\_  
and/or was filed on December 22, 1998 as United States Application  
Number 09/218,176 and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior foreign applications. See note A on back of this page)	<u>08/679,048</u> (Number)	<u>U.S.</u> (Country)	<u>12/07/1996</u> (Day/Month/Year Filed)	Priority Claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<u>92 102 324.8</u> (Number)	<u>Europe</u> (Country)	<u>12/2/92</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<u>P 44 23 190.3</u> (Number)	<u>Germany</u> (Country)	<u>1/7/94</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<u>195 11 243.1</u> (Number)	<u>Germany</u> (Country)	<u>27/3/95</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<u>PCT/EP96/03065</u> (Number)	<u>PCT</u> (Country)	<u>12/7/1996</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)	<u>PCT/EP/93/00350</u> (Application Serial No.)	<u>12/2/93</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
	<u>08/482,557</u> (Application Serial No.)	<u>7/6/95</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)

And I hereby appoint as principal attorneys: Robert B. Murray, Reg. No. 22,980; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,931; Douglas H. Goldhush, Reg. No. 33,125; David T. Nikaido, Reg. No. 22,663; Monica Chin Kitts, Reg. No. 36,105; Richard J. Berman, Reg. No. 39,107; King L. Wong, Reg. No. 37,500; James A. Poulos, III, Reg. No. 31,714; Murat Ozgu, Reg. No. 44,275; Bradley D. Goldizen, Reg. No. 43,637; N. Alexander Nolte, Reg. No. 45,689; Robert K. Carpenter, Reg. No. 34,794; Gregory B. Kang Reg. No. 45,273; and Rustan Hill Reg. No. 37,351.

Please direct all communications to the following address: ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 Connecticut Avenue, N.W., Suite 600  
Washington, D.C. 20036-5339  
Telephone No. (202) 857-6000; Facsimile No. (202) 638-4810

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(See Note C on back of this page) Full name of sole or first inventor Gertrud HÖTTEN  
Inventor's signature X Gertrud HÖTTEN Date X 08.01.2000

Residence Weihwiesenweg 17, Federal Republic of Germany, D 69245 Bammental

Citizenship German

Post Office Address 69245 Bammental, Federal Republic of Germany  
44625 HERNE

→ Hölkeshampring 96, Federal Republic of Germany, D 44625 Herne

*J. H. K.*

**COPY**  
(Previous declaration)

Full name of second inventor Helge NEIDHARDT  
Inventor's signature X Helge Neidhardt X 14 August, 2000  
Residence Birkenweg 7, 35041 Marburg, Federal Republic of Germany  
Citizenship German  
Post Office Address Birkenweg 7, 35041 Marburg, Federal Republic of Germany

Full name of third inventor Rolf BECHTOLD  
Inventor's signature X Rolf Bechtold X July 31, 2000  
Residence Carl-Zuckmayer-Straße 21, D-69126 Heidelberg, Federal Republic of Germany  
Citizenship German  
Post Office Address Carl-Zuckmayer-Straße 21, D-69126 Heidelberg, Federal Republic of Germany

Full name fourth inventor Jens POHL  
Inventor's signature X Jens Pohl X 31 July 2000  
Residence Kellerswiesen 3, D-76707 Hambrücken, Federal Republic of Germany  
Citizenship German  
Post Office Address Kellerswiesen 3, D-76707 Hambrücken, Federal Republic of Germany

Full name of fifth inventor Michael PAULISTA  
Inventor's signature X Michael Paulista X 23. 8. 00  
Residence Wingertstraße 10, D-69181 Leimen, Federal Republic of Germany  
Citizenship German  
Post Office Address Wingertstraße 10, D-69181 Leimen, Federal Republic of Germany